

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TRAVIS R. NORWOOD,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00299
2:20-cv-00350

BETSY JIVIDEN, et al.,

Defendants.

ORDER

Pending before the Court are Defendants Daniel Conn (“Conn”) and Wexford Health Sources, Inc.’s (“Wexford”) Motion to Dismiss, (ECF No. 24), and Defendants Scott Conrath (“Conrath”) and Keefe Commissary Network’s (“Keefe”) Motion to Dismiss, (ECF No. 27). By Standing Order entered in this case on May 21, 2020, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his first PF&R on August 5, 2022, in which he recommends granting Conrath and Keefe’s motion to dismiss and dismissing all of Plaintiff’s claims against Defendants Conrath and Keefe. (ECF No. 58.) Magistrate Judge Tinsley filed his second PF&R on August 8, 2022, in which he recommends granting Conn and Wexford’s motion to dismiss and dismissing all of Plaintiff’s claims against Conn and Wexford. (ECF No. 59.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections were originally due in this matter on August 19, 2022, and August 22, 2022, respectively. (*See* ECF Nos. 58, 59.) On August 22, 2022, Plaintiff filed a letter-form motion for an extension of time to file objections. (ECF No. 61.) While that motion was pending, on August 31, 2022, Plaintiff filed his objections to each PF&R. (ECF Nos. 62, 63.) Plaintiff’s motion for an extension of time was subsequently granted and established a deadline of September 16, 2022, by which time he was to file his objections. (ECF No. 64.) Since then, Plaintiff has not filed any additional objections.

Plaintiff’s objections shall be, and hereby are, **OVERRULED**. Plaintiff has submitted general and non-specific objections, stating only that he “objects to the U.S. Magistrate Judge’s PROPOSED FINDINGS AND RECOMMENDATION [*sic*]” without identifying any specific errors in the PF&Rs. (ECF Nos. 62, 63.) As Plaintiff has failed to make any specific objections, and instead only make a general objection as to each PF&R, this Court is not obligated to conduct a *de novo* review and accordingly declines to do so. *Opriano*, 687 F.2d at 47.

Accordingly, the Court **ADOPTS** the PF&Rs, (ECF Nos. 58, 59), **OVERRULES** the Plaintiff's objections, (ECF Nos. 62, 63), and **DISMISSES** Defendants Daniel Conn, Wexford Health Sources, Inc., Scott Conrath, and Keefe Commissary Network from this action. The Court further **RE-REFERS** this matter to Magistrate Judge Tinsley for further pretrial management and submission of PF&Rs.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 23, 2022



THOMAS E. JOHNSTON, CHIEF JUDGE